

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES MICHAEL GREGG
A.K.A. JACK POIZON,

Plaintiff,

V.

WESTERN STATE HOSPITAL *et al.*,

Defendants.

Case No. C07-5531RBL

REPORT AND RECOMMENDATION

NOTED FOR:
November 2, 2007

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Plaintiff has filed a proposed complaint and applied for *in forma pauperis* status (Dkt. # 1). The court has reviewed both the application and the proposed complaint and recommend the case be dismissed as frivolous and malicious under 28 U.S.C. §1915 (e)(2)(B)(i).

Plaintiff is currently civilly committed at the Western State Mental Hospital. His treating Doctor is Dr. Naficy. Plaintiff alleges he is a “marshal of the law” in his *in forma pauperis* application (Dkt # 1, page 1). He alleges in the complaint he is a “marshal of the world” and a “Judge; the rulership of the universe.” (Dkt. # 1, proposed complaint page 3).

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1 Plaintiff alleges Dr. Naficy and nurse at the Western State Hospital are bombers from
2 9/11/02. In a letter to the clerk attached to the complaint plaintiff states he is working undercover on
3 the “9-12 Georgia Bombing” and that the people named in this action are his targets. He asks for his
4 gun and badge (Dkt. # 1, letter attached to complaint). The court concludes the allegations in this
5 case are frivolous.

6 28 U.S.C. § 1915 (e)(2) (B)(I) states:

7 (e)(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid,
8 the court shall dismiss the case at any time if the court determines that--

9 (A) the allegation of poverty is untrue; or

10 (B) the action or appeal--

11 (i) is frivolous or malicious;

12 (ii) fails to state a claim on which relief may be granted; or

13 (iii) seeks monetary relief against a defendant who is immune from such relief.

14 The allegations in this action are preposterous. Authority to dismiss under facts such as
15 those alleged in this complaint is clear. Carter v Ingalls, 576 F. Supp. 834 (S.D. Georgia 1983).

16 This action should be **DISMISSED WITH PREJUDICE**.

17 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
18 the parties shall have ten (10) days from service of this Report to file written objections. *See also*
19 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
20 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
21 72(b), the clerk is directed to set the matter for consideration on **November 2, 2007**, as noted in the
22 caption.

23 DATED this 5 day of October, 2007.

24
25
26 /S/ J. Kelley Arnold
27 J. Kelley Arnold
28 United States Magistrate Judge

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